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TECHNOLOGY CENTER 3600

*In re* Patent No. GILLEN, JOHN H.  
Appl No.: 10/781,395  
Filed: February 18, 2004  
For: POWER SLIDER DRIVE INTERFACE

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: **DECISION ON PETITION**  
: **FILED UNDER**  
: *37 CFR 1.181*  
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This is a decision on the petition filed August 9, 2006 requesting that withdrawn claims 1-11 be allowed back into the application and examined because they are believed to read on the elected species. There is no fee required for this petition.

The petition is **GRANTED**.

In response to the present petition, a review of the above file was made. The file history shows that the examiner issued a requirement for restriction on March 6, 2006. The restriction requirement stated that the application contained claims directed to the following patentably distinct species: Group I, figs. 1, 2a, 3, and 4; Group II, fig. 2b; and Group III, fig. 2c. The requirement also stated that no claims were generic. In response to the restriction requirement, the applicant filed a response on March 24, 2006. In applicant's response applicant elected Group I with traverse and indicated that claims 1-13 read on the elected species. After receipt of the applicant's election, the examiner then issued a first non-final office action on June 9, 2006. In this non-final office action, the examiner answered the applicant's arguments in regard to the election with traverse and made the restriction requirement final. The examiner further stated that the applicant's indication of claims 1-13 reading on the elected species was not correct. The examiner then withdrew claims 1-11 because they supposedly did not read on the elected species. Thus, only claims 12 and 13 were examined on the merits. In response to the examiner's non-final office action, the applicant filed the present petition requesting that claims 1-11 be rejoined with claims 12 and 13 because claims 1-11 do read on the elected species.

After reviewing the applicant's petition and arguments, the arguments presented by the examiner in support of his position, and the specification, claims, and drawings of the present application

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as originally filed, it has been determined that the examiner's decision to withdraw claims 1-11 appears to be in error. The present invention generally relates to a powered slider drive assembly for a vehicle window. The assembly comprises a slider panel, a regulator, and mechanical stops mounted on the regulator and the slider panel, wherein each of the stops have non-attaching pushing or pulling mechanical contact surfaces that interact with each other to allow the slider panel to slide freely. The specification further indicates that each of the stops for any of the species could have drive bumpers, wherein the drive bumpers, contact surfaces, or stops could comprise plastic selected from the groups listed in the specification. The drive assembly is disclosed as having three different species of slider drive interfaces. The three different species can be seen specifically in figures 2A, 2B, and 2C. The species of figure 2A is shown as having two stops on the slider panel and two stops on the regulator. The two stops on the slider panel further have first and second contact surfaces and the two stops on the regulator also have first and second contact surfaces. The species of figure 2B is shown as having two stops on the slider panel and one stop on the regulator. The two stops on the slider panel further have first and second contact surfaces and the one stop on the regulator also has first and second contact surfaces. Finally, the species of figure 2C is shown as having one stop on the slider panel and two stops on the regulator. The one stop on the slider panel further has first and second contact surfaces and the two stops on the regulator also have first and second contact surfaces.

Now, looking at the claims as originally filed, it can be seen that claim 1 claims a powered slider drive interface having at least first and second mechanical stops mounted on the slider panel **OR** the regulator, both first and second stops having a contact surface, and **one or more** mechanical stops mounted on **THE OTHER** of the slider panel or the regulator, the one or more stops having third and fourth contact surfaces. Therefore, the limitations of claim 1 read on all of the disclosed species because all of the species, as pointed out above, have either two stops on the slider panel and two stops on the regulator, two stops on the slider panel and one stop on the regulator, or one stop on the slider panel and two stops on the regulator. Therefore, claim 1 is generic to all of the disclosed species and should not have been withdrawn from consideration. Likewise, claims 2-5 also contain limitations that are generic to all of the disclosed species because all of the stops have contact surfaces that are mechanical, non-attaching pushing or pulling surfaces (claim 2), they could all have bumpers (claim 3), wherein the bumpers, contact surfaces or stops could be plastic (claim 4), and wherein the plastic is selected from the groups claimed (claim 5).

In regard to claim 6, a powered slider drive interface is being claimed. The interface comprises a driver bracket including at least first and second contact surfaces, wherein the driver bracket is disposed on a regulator, and a driver receiver including at least two stops, each having a contact surface, and the driver receiver is disposed on the slider panel. Therefore, since the slider panel has to have two stops disposed thereon, this claim could only read on the species of figure 2A or 2B. Thus, although claim 6 is not generic, it does read on the elected species of figure 2A and should not have been withdrawn from consideration.

In regard to claim 7, a powered slider drive assembly is being claimed. The assembly comprises a driver bracket including at least a first and second contact surfaces and being disposed on a

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regulator, and a driver receiver including at least a first receiver stop and a second receiver stop, each having a contact surface and being disposed on the slider panel. Once again, since the slider panel has to have two stops disposed thereon, this claim could only read on the species of figure 2A or 2B. Thus, although claim 7 is not generic, it does read on the elected species of figure 2A and should not have been withdrawn from consideration.

Finally, in regard to claims 8-11, said claims contain limitations that are generic to all of the disclosed species because all of the stops have contact surfaces that are mechanical, non-attaching pushing or pulling surfaces (claim 8), they could all have bumpers (claim 9), wherein the bumpers, contact surfaces or stops could be plastic (claim 10), and wherein the plastic is selected from the groups claimed (claim 11).

In conclusion, it should also be pointed out that during the delay in answering this petition prosecution has continued on the application and now claims 12 and 13 are under a final rejection. In response to the final rejection the applicant has filed a Notice of Appeal and an Appeal Brief. After receiving the Appeal Brief, the examiner issued a Notice of Non-Compliant Appeal Brief because the brief contains arguments directed to claims that have been withdrawn from consideration, i.e. claims 1-11. However, since the applicant's petition is being granted, and the claims are going to be rejoined, the final rejection and the Appeal Brief are hereby being **VACATED**. The application will be forwarded back to the examiner who will issue a new non-final office action addressing all of applicant's claims 1-13.

**SUMMARY:** The petition is **GRANTED**.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Brian Glessner at 571-272-6843.



Wynn Coggins

Director

Patent Technology Center 3600

571-272-5350

October 9, 2007

BG/SM

